

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 549

Introduced by Assembly Member Furutani

February 25, 2009

~~An act to amend Section 1264 of the Business and Professions Code, relating to healing arts. An act to amend Sections 1207, 1261.5, and 1264 of, and to add Sections 1261.7, 1261.8, 1261.9, 1261.10, 1264.1, 1264.2, 1264.3, 1264.4, and 1264.5 to, the Business and Professions Code, relating to healing arts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 549, as amended, Furutani. Licensure: clinical laboratory personnel.

Existing law provides for the regulation and licensure of clinical laboratories and clinical laboratory personnel by the State Department of Public Health.

Existing law authorizes the department to issue limited clinical laboratory scientist's licenses in chemistry, microbiology, toxicology, histocompatibility, immunohematology, genetic molecular biology, cytogenetics, or other areas of laboratory specialty or subspecialty when determined necessary by the department, as specified. Existing law requires an applicant to meet various requirements in order to qualify for admission to the examination for a special clinical laboratory scientist's license.

This bill would revise these requirements by requiring an applicant to either (1) have graduated from an educational institution maintaining standards equivalent to specified accredited institutions and have one year of full-time postgraduate specified training or experience or (2)

have a doctoral degree from an accredited institution and provide evidence of completion of 2 years of postdoctoral training in a training program accredited by an approved accrediting body for the specialty, as specified. The bill would also authorize the department to issue a limited clinical laboratory scientist's license in biochemical genetics.

The bill would also, commencing January 1, 2010, require the department to issue a limited clinical laboratory scientist's license in cytogenetics, genetic molecular biology, biochemical genetics, and chemistry, to any person possessing a doctoral degree from an accredited institution who provides evidence of completing 2 years of post-doctoral training in a specified training program.

Existing law also requires the department to issue a clinical chemist, clinical microbiologist, clinical toxicologist, clinical molecular biologist, clinical biochemical geneticist, or clinical cytogeneticist license to each person who has applied for the license on a specified form who is also the holder of a master of science or doctoral degree in the specialty for which the applicant is seeking a license and who has met other requirements. Existing law requires the graduate education to have included 30 semester hours of coursework in the applicant's specialty.

This bill would specify that applicants possessing a doctoral degree from an accredited institution shall have the equivalent of 2 years of postdoctoral training in a training program accredited by a relevant accrediting body for the specialty and would also require each applicant to provide evidence of satisfactory performance on a specified written examination.

The bill would also, commencing January 1, 2010, require the department to issue a provisional license as a clinical cytogeneticist, clinical genetic molecular biologist, or a clinical biochemical geneticist to any person possessing a doctoral degree from an accredited institution who provides evidence of completing 2 years of postdoctoral training in a specified training program and would also require each applicant to provide evidence of satisfactory performance on a specified written examination.

Under existing law, a histocompatibility lab director, as defined, in order to be eligible for licensure, as a histocompatibility lab director, is required to provide evidence of satisfactory performance on a specified written and oral examination.

The bill would also, commencing January 1, 2010, require the department to issue a provisional license as a histocompatibility laboratory director to any person possessing a doctoral degree from

an accredited institution who provides evidence of completing 2 years of postdoctoral training in a specified training program and would also require each applicant to provide evidence of satisfactory performance on a specified written examination.

The bill would authorize the department to adopt emergency regulations with respect to some of these provisions.

The bill would make other related changes.

~~Existing law provides for the licensure and regulation of clinical chemists, clinical microbiologists, clinical toxicologists, clinical molecular biologists, and clinical cytogeneticists.~~

~~This bill would make nonsubstantive and technical changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1207 of the Business and Professions
2 Code is amended to read:
3 1207. (a) As used in this chapter, “clinical chemist,” or
4 “clinical microbiologist,” or “clinical toxicologist,” or “clinical
5 genetic molecular biologist,” or “*clinical biochemical geneticist*”
6 or “clinical cytogeneticist,” or “oral and maxillofacial pathologist”
7 means any person licensed by the department under Section 1264
8 to engage in, or supervise others engaged in, clinical laboratory
9 practice limited to his or her area of specialization or to direct a
10 clinical laboratory, or portion thereof, limited to his or her area of
11 specialization. Such a licensed person who is qualified under CLIA
12 may perform clinical laboratory tests or examinations classified
13 as of high complexity under CLIA, and *shall have* the duties and
14 responsibilities of a laboratory director, technical consultant,
15 clinical consultant, technical supervisor, and general supervisor,
16 as specified under CLIA, limited to his or her area of specialty or
17 subspecialty as described in subdivision (b), and shall only direct
18 a clinical laboratory providing service within those specialties or
19 subspecialties. A person licensed as a “clinical chemist,” or
20 “clinical microbiologist,” or “clinical toxicologist,” or “clinical
21 genetic molecular biologist,” or “*clinical biochemical geneticist*”
22 or “clinical cytogeneticist,” or “oral and maxillofacial pathologist”

1 may perform any clinical laboratory test or examination classified
2 as waived or of moderate complexity under CLIA.

3 (b) The specialty or subspecialty for each of the limited license
4 categories identified in subdivision (a), and the clinical laboratories
5 that may be directed by persons licensed in each of those
6 categories, are the following:

7 (1) For a person licensed under this chapter as a clinical chemist,
8 the specialty of chemistry and the subspecialties of routine
9 chemistry, endocrinology, clinical microscopy, toxicology, or other
10 specialty or subspecialty specified by regulation adopted by the
11 department.

12 (2) For a person licensed under this chapter as a clinical
13 microbiologist, the specialty of microbiology and the subspecialties
14 of bacteriology, mycobacteriology, mycology, parasitology,
15 virology, molecular biology, and serology for diagnosis of
16 infectious diseases, or other specialty or subspecialty specified by
17 regulation adopted by the department.

18 (3) For a person licensed under this chapter as a clinical
19 toxicologist, the subspecialty of toxicology within the specialty of
20 chemistry or other specialty or subspecialty specified by regulation
21 adopted by the department.

22 (4) For a person licensed under this chapter as a clinical genetic
23 molecular biologist, the subspecialty of molecular biology related
24 to diagnosis of human genetic abnormalities within the specialty
25 of genetics or other specialty or subspecialty specified by regulation
26 adopted by the department.

27 (5) For a person licensed under this chapter as a clinical
28 cytogeneticist, the subspecialty of cytogenetics within the specialty
29 of genetics or other specialty or subspecialty specified by regulation
30 adopted by the department.

31 (6) For a person licensed under this chapter as an oral and
32 maxillofacial pathologist, the subspecialty of oral pathology within
33 the specialty of pathology or other specialty or subspecialty
34 specified by regulation adopted by the department.

35 (7) *For a person licensed under this chapter as a clinical*
36 *biochemical geneticist, the subspecialty of genetics or other*
37 *specialty or subspecialty specified by regulation adopted by the*
38 *department.*

39 SEC. 2. *Section 1261.5 of the Business and Professions Code*
40 *is amended to read:*

1261.5. (a) The department may issue limited clinical laboratory scientist's licenses in chemistry, microbiology, toxicology, histocompatibility, immunohematology, *biochemical genetics*, genetic molecular biology, cytogenetics, or other areas of laboratory specialty or subspecialty when determined to be necessary by the department in order for licensure categories to keep abreast of changes in laboratory or scientific technology. Whenever the department determines that a new limited clinical laboratory scientist license category is necessary, it shall adopt regulations identifying the category and the areas of specialization included within the category.

~~To~~
(b) *To* qualify for admission to the examination for a special clinical laboratory scientist's license, an applicant shall have ~~all the following:~~ *met the requirements of either paragraph (1) or (2).*

~~(a)~~
(1) (A) Have graduated from a college or university maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western Association of Schools and Colleges or an essentially equivalent accrediting agency with a baccalaureate or higher degree with a major appropriate to the field for which a license is being sought.

~~(b)~~
(B) Have one year of full-time postgraduate training or experience in the various areas of analysis in the field for which a license is being sought in a laboratory that has a license issued under this chapter or which the department determines is equivalent thereto.

(2) *Have a doctoral degree from an accredited institution and provide evidence of completion of two years of postdoctoral training in a training program accredited by an approved accrediting body for the specialty. Each applicant shall also provide evidence of satisfactory performance on a written examination approved by the department relevant to each limited clinical laboratory scientist's license. The following accrediting bodies shall be deemed approved for the purposes of this paragraph:*

(A) *The American Board of Medical Microbiology.*

(B) *The American Board of Clinical Chemistry.*

(C) *The American Board of Medical Genetics.*

1 (D) *The Canadian Council of Medical Genetics.*

2 (E) *The American Academy of Clinical Toxicology.*

3 (F) *Any board approved by the United States Department of*
4 *Health and Human Services pursuant to paragraph (3) of*
5 *subsection (b) of Section 493.1443 of Title 42 of the Code of*
6 *Federal Regulations.*

7 (c) *Written documentation from the accredited training program*
8 *indicating an applicant's completion of the program shall*
9 *constitute sufficient evidence for the purposes of subdivision (b).*

10 ~~(e)~~

11 (d) *Whenever a limited clinical laboratory scientist's license is*
12 *established for a specific area of specialization, the department*
13 *may issue the license without examination to applicants who had*
14 *met standards of education and training, defined by regulations,*
15 *prior to the date of the adoption of implementing regulations.*

16 ~~(d)~~

17 (e) *The department shall adopt regulations to implement this*
18 *section.*

19 SEC. 3. *Section 1261.7 is added to the Business and Professions*
20 *Code, to read:*

21 1261.7. (a) *Commencing January 1, 2010, the department*
22 *shall issue a limited clinical laboratory scientist's license in*
23 *cytogenetics to any person possessing a doctoral degree from an*
24 *accredited institution who provides evidence of completing two*
25 *years of postdoctoral cytogeneticist training in a training program*
26 *accredited by a relevant accrediting body for the specialty. Written*
27 *documentation from the accredited training program indicating*
28 *an applicant's completion of the program shall constitute sufficient*
29 *evidence for this purpose. Each applicant shall also provide*
30 *evidence of satisfactory performance on a written examination*
31 *administered by the National Credentialing Agency for Laboratory*
32 *Personnel in the specialty of cytogenetic scientist. Written*
33 *documentation from the National Credentialing Agency for*
34 *Laboratory Personnel indicating an applicant's satisfactory*
35 *performance on the written examination shall constitute sufficient*
36 *evidence for this purpose.*

37 (b) *Nothing in this section shall alter the licensure requirements*
38 *for a limited clinical laboratory scientist pursuant to Section*
39 *1261.5.*

1 *SEC. 4. Section 1261.8 is added to the Business and Professions*
2 *Code, to read:*

3 1261.8. (a) Commencing January 1, 2010, the department
4 shall issue a limited clinical laboratory scientist's license in genetic
5 molecular biology to any person possessing a doctoral degree
6 from an accredited institution who provides evidence of completing
7 two years of postdoctoral molecular biologist training in a training
8 program accredited by a relevant accrediting body for the
9 specialty. Written documentation from the accredited training
10 program indicating an applicant's completion of the program shall
11 constitute sufficient evidence for this purpose. Each applicant shall
12 also provide evidence of satisfactory performance on a written
13 examination administered by the National Credentialing Agency
14 for Laboratory Personnel in the specialty of genetic molecular
15 biologist scientist. Written documentation from the National
16 Credentialing Agency for Laboratory Personnel indicating an
17 applicant's satisfactory performance on the written examination
18 shall constitute sufficient evidence for this purpose.

19 (b) Nothing in this section shall alter the licensure requirements
20 for a limited clinical laboratory scientist pursuant to Section
21 1261.5.

22 *SEC. 5. Section 1261.9 is added to the Business and Professions*
23 *Code, to read:*

24 1261.9. (a) Commencing January 1, 2010, the department
25 shall issue a limited clinical laboratory scientist's license in
26 biochemical genetics to any person possessing a doctoral degree
27 from an accredited institution who provides evidence of completing
28 two years of postdoctoral training in a biochemical genetics
29 training program accredited by a relevant accrediting body for
30 the specialty. Written documentation from the accredited training
31 program indicating an applicant's completion of the program shall
32 constitute sufficient evidence for this purpose. Each applicant shall
33 also provide evidence of satisfactory performance on a written
34 examination administered by the National Credentialing Agency
35 for Laboratory Personnel in the specialty of biochemical geneticist
36 scientist. Written documentation from the National Credentialing
37 Agency for Laboratory Personnel indicating an applicant's
38 satisfactory performance on the written examination shall
39 constitute sufficient evidence for this purpose.

1 (b) *Nothing in this section shall alter the licensure requirements*
2 *for a limited clinical laboratory scientist pursuant to Section*
3 *1261.5.*

4 SEC. 6. *Section 1261.10 is added to the Business and*
5 *Professions Code, to read:*

6 1261.10. (a) *Commencing January 1, 2010, the department*
7 *shall issue a limited clinical chemist scientist license to any person*
8 *possessing a doctoral degree from an accredited institution who*
9 *provides evidence of completing two years of postdoctoral training*
10 *in clinical chemistry in a training program accredited by a relevant*
11 *accrediting body for the specialty. Written documentation from*
12 *the accredited training program indicating an applicant's*
13 *completion of the program shall constitute sufficient evidence for*
14 *this purpose. Each applicant shall also provide evidence of*
15 *satisfactory performance on a written examination administered*
16 *by the American Society for Clinical Pathology, the National*
17 *Registry in Certified Chemistry, the American Board of Clinical*
18 *Chemistry, or other certification agency approved by the*
19 *department. Written documentation from the certification agency*
20 *indicating an applicant's satisfactory performance on the written*
21 *examination shall constitute sufficient evidence for this purpose.*

22 (b) *Nothing in this section shall alter the licensure requirements*
23 *for a limited clinical laboratory scientist pursuant to Section*
24 *1261.5.*

25 SEC. 7. *Section 1264 of the Business and Professions Code is*
26 *amended to read:*

27 1264. The department shall issue a clinical chemist, clinical
28 microbiologist, clinical toxicologist, clinical molecular biologist,
29 *clinical biochemical geneticist*, or clinical cytogeneticist license
30 to each person who has applied for the license on forms provided
31 by the department, who is a lawful holder of a master of science
32 or doctoral degree in the specialty for which the applicant is
33 seeking a license and who has met such additional reasonable
34 qualifications of training, education, and experience as the
35 department may establish by regulations. The department shall
36 issue an oral and maxillofacial pathologist license to every
37 applicant for licensure who has applied for the license on forms
38 provided by the department, who is a registered Diplomate of the
39 American Board of Oral and Maxillofacial Pathology, and who
40 meets any additional and reasonable qualifications of training,

1 education, and experience as the department may establish by
2 regulation.

3 (a) The graduate education shall have included 30 semester
4 hours of coursework in the applicant's specialty. ~~Applicants~~

5 (1) *Applicants* possessing only a master of science degree shall
6 have the equivalent of one year of full-time, directed study or
7 training in procedures and principles involved in the development,
8 modification or evaluation of laboratory methods, including
9 training in complex methods applicable to diagnostic laboratory
10 work. Each applicant must have had one year of training in his or
11 her specialty in a clinical laboratory acceptable to the department
12 and three years of experience in his or her specialty in a clinical
13 laboratory, two years of which must have been at a supervisory
14 level. The education shall have been obtained in one or more
15 established and reputable institutions maintaining standards
16 equivalent, as determined by the department, to those institutions
17 accredited by an agency acceptable to the department. The
18 department shall determine by examination that the applicant is
19 properly qualified. Examinations, training, or experience
20 requirements for specialty licenses shall cover only the specialty
21 concerned.

22 (2) (A) *Applicants possessing a doctoral degree from an*
23 *accredited institution shall have the equivalent of two years of*
24 *postdoctoral training in a training program accredited by a*
25 *relevant accrediting body for the specialty. Written documentation*
26 *from the accredited training program indicating an applicant's*
27 *completion of the program shall constitute sufficient evidence for*
28 *this purpose. Each applicant shall also provide evidence of*
29 *satisfactory performance on a written examination in the*
30 *applicant's specialty administered by an appropriate accrediting*
31 *body. Written documentation from the National Credentialing*
32 *Agency for Laboratory Personnel indicating an applicant's*
33 *satisfactory performance on the written examination shall*
34 *constitute sufficient evidence for this purpose.*

35 (B) *For purposes of this subdivision, the following accrediting*
36 *bodies shall be deemed appropriate accrediting bodies.*
37 *Postdoctoral training programs approved by these accrediting*
38 *bodies shall be deemed approved by the department.*

39 (i) *The American Board of Medical Microbiology.*

40 (ii) *The American Board of Clinical Chemistry.*

- 1 (iii) *The American Board of Bioanalysis.*
- 2 (iv) *The American Board of Medical Laboratory Immunology.*
- 3 (v) *The American Board of Forensic Toxicology.*
- 4 (vi) *The American Board of Medical Genetics.*
- 5 (vii) *The Canadian Council of Medical Genetics.*
- 6 (viii) *The American Academy of Clinical Toxicology.*
- 7 (ix) *The American Board of Pathology.*
- 8 (x) *The American Board of Histocompatibility and*
- 9 *Immunogenetics.*

10 (b) The department may issue licenses without examination to
11 applicants who have passed examinations of other states or national
12 accrediting boards whose requirements are equal to or greater than
13 those required by this chapter and regulations established by the
14 department. The evaluation of other state requirements or
15 requirements of national accrediting boards shall be carried out
16 by the department with the assistance of representatives from the
17 licensed groups. This section shall not apply to persons who have
18 passed an examination by another state or national accrediting
19 board prior to the establishment of requirements that are equal to
20 or exceed those of this chapter or regulations of the department.

21 (c) The department may issue licenses without examination to
22 applicants who had met standards of education and training, defined
23 by regulations, prior to the date of the adoption of implementing
24 regulations.

25 (d) The department shall adopt regulations to conform to this
26 section.

27 *SEC. 8. Section 1264.1 is added to the Business and Professions*
28 *Code, to read:*

29 *1264.1. (a) Commencing January 1, 2010, the department*
30 *shall issue a provisional license as a clinical cytogeneticist to any*
31 *person possessing a doctoral degree from an accredited institution*
32 *who also provides evidence of completing two years of postdoctoral*
33 *training in cytogenetics in a training program accredited by a*
34 *relevant accrediting body for that specialty. Written documentation*
35 *from the accredited training program indicating an applicant*
36 *completed the program shall constitute sufficient evidence for this*
37 *purpose. Each applicant shall also provide evidence of satisfactory*
38 *performance on a written examination administered by the*
39 *American Board of Medical Genetics or the Canadian Council of*
40 *Medical Genetics in the specialty of cytogenetics. Written*

1 *documentation from either of these bodies indicating an applicant's*
2 *satisfactory performance on the written examination shall*
3 *constitute sufficient evidence for this purpose.*

4 *(b) Each person licensed pursuant to this section shall work*
5 *under the supervision of a laboratory director. If the licensee is*
6 *qualified under CLIA, he or she may perform clinical laboratory*
7 *tests or examinations classified as of high complexity under CLIA,*
8 *and shall have the duties and responsibilities of a technical*
9 *supervisor and general supervisor, as specified under CLIA, limited*
10 *to the specialty of cytogenetics.*

11 *(c) Any person licensed pursuant to this section shall be eligible*
12 *for licensure as a laboratory director within the meaning of Section*
13 *1209, upon the completion of two years of experience supervising*
14 *or performing clinical laboratory tests or examinations in clinical*
15 *cytogenetics in a clinical laboratory that possesses a certificate*
16 *issued under CLIA for performing high-complexity testing,*
17 *provided his or her license is not then suspended or revoked.*

18 *SEC. 9. Section 1264.2 is added to the Business and Professions*
19 *Code, to read:*

20 *1264.2. (a) Commencing January 1, 2010, the department*
21 *shall issue a provisional license as a clinical genetic molecular*
22 *biologist to any person possessing a doctoral degree from an*
23 *accredited institution who also provides evidence of completing*
24 *two years of postdoctoral training in molecular biology in a*
25 *training program accredited by a relevant accrediting body for*
26 *that specialty. Written documentation from the accredited training*
27 *program indicating an applicant completed the program shall*
28 *constitute sufficient evidence for this purpose. Each applicant shall*
29 *also provide evidence of satisfactory performance on a written*
30 *examination administered by the American Board of Medical*
31 *Genetics or the Canadian Council of Medical Genetics in the*
32 *specialty of molecular biology. Written documentation from either*
33 *of these bodies indicating an applicant's satisfactory performance*
34 *on the written examination shall constitute sufficient evidence for*
35 *this purpose.*

36 *(b) Each person licensed pursuant to this section shall work*
37 *under the supervision of a laboratory director. If the licensee is*
38 *qualified under CLIA, he or she may perform clinical laboratory*
39 *tests or examinations classified as of high complexity under CLIA,*
40 *and shall have the duties and responsibilities of a technical*

1 supervisor and general supervisor, as specified under CLIA, limited
2 to the specialty of genetic molecular biology.

3 (c) Any person licensed pursuant to this section shall be eligible
4 for licensure as a laboratory director within the meaning of Section
5 1209, upon the completion of two years of experience supervising
6 or performing clinical laboratory tests or examinations in genetic
7 molecular biology in a clinical laboratory that possesses a
8 certificate issued under CLIA for performing high-complexity
9 testing, provided his or her license is not then suspended or
10 revoked.

11 SEC. 10. Section 1264.3 is added to the Business and
12 Professions Code, to read:

13 1264.3. (a) Commencing January 1, 2010, the department
14 shall issue a provisional license as a clinical biochemical geneticist
15 to any person possessing a doctoral degree from an accredited
16 institution who also provides evidence of completing two years of
17 postdoctoral training in biochemical genetics in a training program
18 accredited by a relevant accrediting body for the specialty. Written
19 documentation from the accredited training program indicating
20 an applicant completed the program shall constitute sufficient
21 evidence for this purpose. Each applicant shall also provide
22 evidence of satisfactory performance on a written examination
23 administered by the American Board of Medical Genetics or the
24 Canadian Council of Medical Genetics in the specialty of
25 biochemical genetics. Written documentation from either of these
26 bodies indicating an applicant's satisfactory performance on the
27 written examination shall constitute sufficient evidence for this
28 purpose.

29 (b) Each person licensed pursuant to this section shall work
30 under the supervision of a laboratory director. If the licensee is
31 qualified under CLIA, he or she may perform clinical laboratory
32 tests or examinations classified as of high complexity under CLIA,
33 and shall have the duties and responsibilities of a technical
34 supervisor and general supervisor, as specified under CLIA, limited
35 to the specialty of biochemical genetics.

36 (c) Any person licensed pursuant to this section shall be eligible
37 for licensure as a laboratory director within the meaning of Section
38 1209, upon the completion of two years of experience supervising
39 or performing clinical laboratory tests or examinations in clinical
40 biochemical genetics in a clinical laboratory that possesses a

1 *certificate issued under CLIA for performing high-complexity*
2 *testing, provided his or her license is not then suspended or*
3 *revoked.*

4 *SEC. 11. Section 1264.4 is added to the Business and*
5 *Professions Code, to read:*

6 *1264.4. (a) Commencing January 1, 2010, the department*
7 *shall issue a provisional license as a histocompatibility laboratory*
8 *director to any person possessing a doctoral degree from an*
9 *accredited institution who also provides evidence of completing*
10 *two years of postdoctoral training in histocompatibility and*
11 *immunology in a training program accredited by a relevant*
12 *accrediting body for the specialty. Written documentation from*
13 *the accredited training program indicating an applicant completed*
14 *the program shall constitute sufficient evidence for this purpose.*
15 *Each applicant shall also provide evidence of satisfactory*
16 *performance on a written examination administered by the*
17 *American Board of Histocompatibility and Immunogenetics in the*
18 *specialty of histocompatibility. Written documentation from that*
19 *board indicating an applicant's satisfactory performance on the*
20 *written examination shall constitute sufficient evidence for this*
21 *purpose.*

22 *(b) Each person licensed pursuant to this section shall work*
23 *under the supervision of a laboratory director. If the licensee is*
24 *qualified under CLIA, he or she may perform clinical laboratory*
25 *tests or examinations classified as of high complexity under CLIA,*
26 *and shall have the duties and responsibilities of a technical*
27 *supervisor and general supervisor, as specified under CLIA, limited*
28 *to the specialty of histocompatibility and immunology.*

29 *(c) Any person licensed pursuant to this section shall be eligible*
30 *for licensure as a histocompatibility laboratory director pursuant*
31 *to Section 1209.1, upon the completion of two years of experience*
32 *supervising or performing clinical laboratory tests or examinations*
33 *in histocompatibility and immunology in a clinical laboratory that*
34 *possesses a certificate issued under CLIA for performing*
35 *high-complexity testing, provided his or her license is not then*
36 *suspended or revoked.*

37 *SEC. 12. Section 1264.5 is added to the Business and*
38 *Professions Code, to read:*

39 *1264.5. The department may adopt emergency regulations in*
40 *accordance with the Administrative Procedure Act (Chapter 3.5*

(commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) to implement Sections 1264, 1264.1, 1264.2, 1264.3, and 1264.4 if the department deems necessary to implement these sections. The adoption of the regulations shall be considered by the Office of Administrative Law to be necessary for the immediate preservation of the public peace, health and safety, or general welfare. The emergency regulations shall be submitted to the Office of Administrative Law for filing with the Secretary of State and publication in the California Code of Regulations, and shall be replaced with final, permanent regulations within 120 days following the date of their adoption.

~~SECTION 1. Section 1264 of the Business and Professions Code is amended to read:~~

~~1264. (a) The department shall issue a clinical chemist, clinical microbiologist, clinical toxicologist, clinical molecular biologist, or clinical cytogeneticist license to each person who meets the following requirements:~~

~~(1) The applicant has applied for the license on forms provided by the department.~~

~~(2) The applicant is a lawful holder of a master of science or doctoral degree in the specialty for which the applicant is seeking a license.~~

~~(3) The applicant has met the additional reasonable qualifications of training, education, and experience as the department may establish by regulations. The department shall issue an oral and maxillofacial pathologist license to every applicant for licensure who has applied for the license on forms provided by the department, who is a registered Diplomate of the American Board of Oral and Maxillofacial Pathology, and who meets any additional and reasonable qualifications of training, education, and experience as the department may establish by regulation.~~

~~(b) The graduate education required for licensure shall have included 30 semester hours of coursework in the applicant's specialty. Applicants possessing only a master of science degree shall have the equivalent of one year of full-time, directed study or training in procedures and principles involved in the development, modification or evaluation of laboratory methods, including training in complex methods applicable to diagnostic laboratory work. Each applicant must have had one year of training in his or her specialty in a clinical laboratory acceptable to the~~

1 department and three years of experience in his or her specialty in
2 a clinical laboratory, two years of which must have been at a
3 supervisory level. The education shall have been obtained in one
4 or more established and reputable institutions maintaining standards
5 equivalent, as determined by the department, to those institutions
6 accredited by an agency acceptable to the department. The
7 department shall determine by examination that the applicant is
8 properly qualified. Examinations, training, or experience
9 requirements for specialty licenses shall cover only the specialty
10 concerned.

11 (e) The department may issue licenses without examination to
12 applicants who have passed examinations of other states or national
13 accrediting boards whose requirements are equal to or greater than
14 those required by this chapter and regulations established by the
15 department. The evaluation of other state requirements or
16 requirements of national accrediting boards shall be carried out
17 by the department with the assistance of representatives from the
18 licensed groups. This section shall not apply to persons who have
19 passed an examination by another state or national accrediting
20 board prior to the establishment of requirements that are equal to
21 or exceed those of this chapter or regulations of the department.

22 (d) The department may issue licenses without examination to
23 applicants who had met standards of education and training, defined
24 by regulations, prior to the date of the adoption of implementing
25 regulations.

26 (e) The department shall adopt regulations to conform to this
27 section.